

## **REMARKS**

Applicants thank the Examiner for the careful review of the remarks filed on October 27, 2003. Applicants submit a Request for Continued Examination (RCE) with the current remarks. Further, Applicants amend independent claims 1, 12, and 18. The  
5 amendments introduce no new matter and are fully supported by the specification. Thus, claims 1-23 remain pending.

### **Advisory Action Communication**

The Examiner stated that none of the finally rejected claims were amended and  
10 further maintained all grounds of rejection in the final rejection. Further, the Examiner maintained the position that Moslehi et al. (U.S. Pat. No. 5,217,559) in view of Notman (U.S. Pat. No. 4,311,671) can be combined “to enhance mixing and thereby optimize the operation of the claimed apparatus.” Applicants acknowledge the Office’s typographical error regarding claim 17 and respectfully traverse the combination of the references.

15 Specifically, distilling an invention down to the “gist” or “thrust” of an invention disregards the requirement of analyzing the subject matter “as a whole (*W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984); MPEP 2141.02).” For the reasons stated below, Applicants respectfully submit that the references as a whole cannot be combined to teach or suggest  
20 the claimed invention.

### **Claim Rejections Under 35 U.S.C. § 103(a)**

The Examiner rejected claims 1-17 under 35 U.S.C. § 103(a) as being unpatentable over Moslehi et al. in view of Notman. Further, the Examiner rejected claims 18-23 under

35 U.S.C. § 103(a) as being unpatentable over Moslehi et al. and Notman in view of Rudolph et al. (U.S. Pat. No. 5,480,678). Applicants respectfully traverse.

When applying 35 U.S.C. § 103, (a) the claimed invention must be considered as a whole, (b) the references must be considered as a whole and must suggest the desirability  
5 and thus the obviousness of making the combination, (c) the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention, and a (d) reasonable expectation of success is the standard with which obviousness is determined (*Hodash v. Block Drug. Co. Inc.*, 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986); MPEP 2141). Thus, the Office must consider Moslehi et al.,  
10 Notman, and Rudolph et al. as a whole and further, the references must suggest the desirability and the obviousness of making the combination.

In the Final Office Action, the Examiner stated that the “motivation to shift (move) one or more of Moslehi’s baffle plates horizontally such that each of the plurality of holes are misaligned defining a nonlinear path for fluid flow as taught by Alan Notman is to  
15 provide for a nonlinear flow through the reactor (page 4, lines 5-7).” Further, the Examiner stated that the “motivation to alter the flow rates of Moslehi’s injected gases to increase turbulent mixing is to optimize the mixing of the plasma and nonplasma gases (page 4, lines 8-9).”

Notman is an invention for a synthesis reactor for catalytic gas reactor for the  
20 *synthesis of methanol and ammonia* (Abstract and col. 1, lines 39-46). Rudolph et al. is an invention for chemical vapor infiltration and chemical vapor deposition (*CVI/CVD*) *processes for hundreds of aircraft brake disks* (Abstract). Taken as a whole with Moslehi et al., which discloses a housing for semiconductor wafer processing, one of ordinary skill in the art would not find it desirable to combine Moslehi et al. with Notman or Rudolph et

al. Generally, the examiner must ascertain what would have been obvious to one of ordinary skill in the art at the time the invention was made, and not to the inventor, a judge, a layman, *those skilled in the remote arts*, or to geniuses in the art at hand (*Environmental Designs, Ltd. v. Union Oil Co.*, 713 F.2d 693, 218 USPQ 865 (Fed. Cir. 1983), *cert denied*, 464 U.S. 1043 (1984); MPEP 2141.03). Specifically, because Notman teaches those of ordinary skill regarding methanol and ammonia synthesis and Rudolph et al. teaches those of ordinary skill regarding processes for aircraft brake discs, one of ordinary skill in the art of semiconductor wafer processing would not find it desirable to combine the references.

10       Regarding Notman, Applicants amend independent claims 1 and 12 to improve the readability of the claims. The amendments introduce no new matter and are supported by the specification as shown by Figures 2A, 2B, and 3 and the corresponding text in the specification. Accordingly, Applicants respectfully submit that independent claims 1 and 12 are allowable and that the dependent claims that depend from independent claims 1 and 12 are allowable for the same reasons.

15       Regarding Rudolph et al., the Examiner stated that Rudolph et al. discloses a “hollow tube conduit (17, Figure 6) that is perforated (page 4, last line).” Applicants amend independent claim 18 to recite the hollow tube “having a top and a bottom, the top connected to the first end and the bottom connected to the second end and further...” to 20 improve the readability of the claim. The amendment introduces no new matter and is fully supported by the specification (page 11, lines 23-25). In contrast, Rudolph et al. discloses “introducing the gas from the inlet 16 ... [t]he inlet 16 preferably comprises a plurality of perforated inlet legs 17 and 19 that disperse the gas ... (col. 9, lines 55-60).” From Figure 6, the perforated inlet leg 17 is coplanar with sealed baffle structure 108 and

does not extend from one end of the housing to another such that a top connects to a first end and bottom connects to a second end. Because Rudolph et al. fails to teach an element recited in independent claim 18, Rudolph et al. cannot be used in combination with Moslehi et al. and Notman to teach or suggest to one of ordinary skill in the art how to  
5 make the hollow perforated tube within the housing. Accordingly, Applicants respectfully submit that the dependent claims that depend from allowable independent claim 18 are allowable for the same reason.

Because Moslehi et al., Notman, and Rudolph et al. individually and in combination do not disclose or suggest the combination of the elements recited in  
10 independent claims 1, 12, and 18, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of pending claims 1-23.

Accordingly, Applicants respectfully request a Notice of Allowance based on the foregoing remarks. If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6900, x 6911. If  
15 any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. NOVEP015). A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
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